

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUBEN E. SANCHEZ, pro se,

Plaintiff,

v.

RUSTY SMITH, et al,

Defendants.

Case No. C05-5426 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Plaintiff's "Motion to Appeal the Granting of Summary Judgment for Jerry E. LeClaire, M.D., Retinal Surgeon" [Dkt. #68].

Having considered the entirety of the records and file herein, the Court rules as follows:

Plaintiff, pro se, has filed the instant "Motion to Appeal" challenging this Court's Order adopting Magistrate Judge J. Kelley Arnold's Report and Recommendation granting defendant Dr. LeClaire's motion for summary judgment. [Dkt. #42]. The Court will consider plaintiff's "Motion to Appeal" as a motion for reconsideration; however, if plaintiff intended to appeal to the United States Court of Appeals for the Ninth Circuit, he should file a Notice of Appeal to that Court of this Court's previous Order, Dkt. #42, and of this Order.

1 This Court's local rules provide:


2 Motions for reconsideration are disfavored. The court will ordinarily
3 deny such motions in the absence of a showing of manifest error in the
4 prior ruling or a showing of new facts or legal authority which could
not have been brought to its attention earlier with reasonable diligence.

5 CR 7(h)(1), Local Rules W.D. Wash. The rule also sets a limit of ten days after entry of the Order challenged
6 in which to file a motion for reconsideration. CR 7(h)(2), Local Rules W.D. Wash. Plaintiff's motion does
7 not demonstrate a manifest error in the Court's prior ruling granting defendant Dr. LeClaire's motion for
8 summary judgment nor does it provide the Court with any new information not previously considered.
9 Furthermore, the Order challenged was entered on March 22, 2006 and the instant motion was not filed until
10 May 26, 2006, thus the motion was filed more than ten days after entry of the challenged Order. It is therefore,

11 **ORDERED** that Plaintiff's Motion to Appeal/Motion for Reconsideration [Dkt. #68] is **DENIED**.

12 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
13 pro se.

14 Dated this 30th day of May, 2006.

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16 RONALD B. LEIGHTON
17 UNITED STATES DISTRICT JUDGE
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